

# L A W S

OF THE

STATE OF NEW-HAMPSHIRE,

PASSED

*June Session....1823.*

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PUBLISHED BY AUTHORITY.

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1823.

A. D. 1823.

## CHAP. XXXIII.

Passed June 28, 1823. *AN ACT in addition to an act entitled "an act to incorporate certain persons by the name of the proprietors of Dalton bridge," approved June 27, 1818.*

Preamble.

**W**HEREAS the time allowed to said proprietors in and by said act for the completion of said bridge, has been found to be insufficient for that purpose ; Therefore,

Further time allowed to build bridge.

*BE it enacted by the senate and house of representatives in general court convened,* That there be granted and allowed to the proprietors of the said Dalton bridge the further time of three years from the twenty-seventh day of June instant, to complete the building of said bridge ; and that the said act to which this is in addition, be, and continue to remain in full force the said farther term of three years, in the same manner as if the said original act had been limited to the term of eight years instead of five years from the passing thereof ; any thing therein to the contrary notwithstanding.

*Approved June 28, 1823.*

## CHAP. XXXIV.

Passed June 28, 1823. *AN ACT to establish a system of police in the town of Portsmouth, and for other purposes.*

Officers of police, how appointed.

**SECTION 1.** *BE it enacted by the senate and house of representatives in general court convened,* That it shall be the duty of the selectmen of the town of Portsmouth, every year, within ten days after the annual town meeting for the choice of town officers, to appoint and commission in writing under their hands, or the hands of the major part of them, a suitable number of persons, not exceeding seven, who shall be reputable freeholders and inhabitants of said town of Portsmouth, to be police officers within said town. And said police officers shall be sworn to the faithful discharge of their duty, and shall be, by virtue of said appointment, constables and conservators of the peace ; and shall hold their offices for one year, and until their successors shall be appointed and duly qualified ; and shall receive such compensation for their services as the said town of Portsmouth shall vote at any legal town meeting.

To be sworn

Term of office, compensation, &c.

Persons guilty of riotous, wan-

**SEC. 2.** *And be it further enacted,* That if any person, or persons, shall, in any street, lane or alley, or in any public place in the town of Portsmouth, be guilty of any

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rude, indecent or disorderly conduct, or shall insult or wantonly impede any person or persons passing therein, or shall sing or repeat, or cause to be sung or repeated, any lewd, obscene or profane songs, or shall speak or repeat any lewd, obscene or profane words; or shall, within said town of Portsmouth, write or mark in any manner any obscene or profane word, or obscene and lascivious figure or representation on any building, fence, wall, post, or other thing whatsoever, or shall wantonly injure or deface any building, fence, wall, post, signboard or sign; or shall wantonly cut and injure any tree standing in the streets or highways of said town; or shall rob any garden or field of fruit or vegetables, or shall wantonly injure any trees, shrubs or bushes growing therein; or shall, without lawful permission, climb on, or over the fences of any garden or yard; or shall be found drunk in any street, lane, alley or public place; or shall within said town use any juggling or unlawful games or plays; or shall be a common night-walker or prostitute, or shall make any brawls or tumult, or shall wantonly or knowingly raise or repeat any false cry of fire; that every such person, for every such act shall be taken and deemed to be an offender against the police of Portsmouth, and shall be liable to the penalties hereinafter expressed.

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ton or inde-  
cent con-  
duct, liable  
to penalty.

SEC. 3. *And be it further enacted*, That if any person or persons shall in any public place, or at any wharf in the town of Portsmouth, or within the view of any dwelling house, or of any public street, road or wharf in said town, in the day time, bathe or swim, without necessity, or expose his or her person indecently in dressing or undressing for the purpose of bathing or swimming, or otherwise without necessity; every such person, for every such act shall be taken and deemed to be an offender against the police of Portsmouth, and shall be liable to the penalties hereinafter expressed.

Offences de-  
fined.

SEC. 4. *And be it further enacted*, That if any person or persons shall within the compact part of the town of Portsmouth, that is to say, within one mile of the courthouse, fire or discharge any cannon, gun, pistol or other fire arms, or beat any drum, (except by the command of a military officer, having authority therefor) or fire or discharge any rockets, squibs, crackers, or any preparation of gunpowder, (except by the permission of the police officers, or of a major part of them first had in writing) or shall make any bonfire; or shall in any street, lane, alley, or other public place within the aforesaid limits, throw any stones, bricks, snowballs or dirt, or play at ball or any game in which ball is used, or play at any game whatsoever for money; or smoke any pipe or cigar; every such person,

Offences de-  
fined.

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A. D. 1823. for every such act shall be taken and deemed to be an offender against the police of Portsmouth, and shall be liable to the penalties hereinafter expressed.

Offences defined.

SEC. 5. *And be it further enacted,* That if any person or persons shall place and leave, or cause to be placed and left in any street, lane or alley, or other public place within the compact part of said town for the term of two hours by day, or for the term of one hour by night, without inevitable necessity, any sled, wheelbarrow, cart, trucks, chaise or other carriage, or any boxes, crates, casks, tubs or other vessel ; or shall suffer any cord-wood or fuel to remain in any such street, lane, or alley for more than three hours, without inevitable necessity ; or shall place or throw, or cause to be placed or thrown into any such street, lane or alley, any dung, dirt or other matter, that may impede the free passage of said street, and suffer the same to remain therein without inevitable necessity for more than two hours at a time ; or shall without such necessity drive any wheel carriage or sled or wheelbarrow on or over the side pavements or walks of such street, lane or alley ; or ride or lead any horse thereon ; every such person, for every such act, shall be taken and deemed to be an offender against the police of Portsmouth, and shall be liable to the penalties hereinafter expressed.

Officers of police, with consent of selectmen, may establish regulations.

SEC. 6. *And be it further enacted,* That the police officers of said town of Portsmouth be, and they hereby are authorized to make from time to time, such regulations as they may deem expedient for the stands of hacks, trucks, and carts in any street, lane or alley within the compact part of said town ; and for the height and position of any awning, shade or other fixture that may be erected or placed in any such street, lane or alley in front of or near any building ; and also respecting any obstructions or nuisances in any street, lane or alley within the compact part of said town of Portsmouth, provided that said regulations be first approved by the selectmen of said town, for the time being, or a major part of them ; and every violation of such regulations, so made and approved as aforesaid, shall be taken and deemed to be an offence against the police of Portsmouth ; and every person so offending shall be liable to the penalties hereinafter expressed ; *Provided, always, however,* that no prosecution shall be sustained for any such violation unless notice be given of the passing of such regulations, by causing the same to be published in the newspapers printed in said town a reasonable time before they shall take effect.

Proviso.

Penalty for offences.

SEC. 7. *And be it further enacted,* That every person duly convicted of an offence against the police of Portsmouth shall be punished by a fine not exceeding five dollars,

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nor less than one dollar, and shall pay costs of prosecution, and shall stand committed until the same be paid: and if said person, so convicted, be a minor under the age of fourteen years, the parent or guardian of such minor shall be liable to pay the same, and an action of debt therefor may be brought by said police officers in the name of the town of Portsmouth against such parent or guardian; provided such parent or guardian shall have received due notice of the time and place of trial of such minor for such offence. And all penalties adjudged under this act shall be paid to the magistrate imposing the same, and shall be by him paid over to the town of Portsmouth; and any justice of the peace in the county of Rockingham, may have cognizance of the offences enumerated in this act; and it shall be no cause of exception to any such justice that he resides or has property in the town of Portsmouth. And no trial shall be had for any offence mentioned in this act but upon complaint first made on oath, and the form of such complaint and of the warrant issued thereon shall be as follows, to wit:

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If a minor,  
parent or  
guardian li-  
able.

Proviso.

Penalties, to  
whom paid.Complaint  
to be made.

## (FORM OF COMPLAINT.)

## STATE OF NEW-HAMPSHIRE.

Form of  
complaint.

ROCKINGHAM, SS.

The information and complaint of A. B. of                    in the county of                    (as the case may be) taken and made before me, E. F. esquire, one of the justices of the peace, within and for said county, on this                    day of                    in the year of our Lord one thousand eight hundred and                    , who, on his oath saith, that X. Y. of                    in the county                    (as the case may be), [*or if his name be not known, say, "a person whose name is not known, but who may be recognized by the following description," (and here set forth as particular a description as possible)*] hath been guilty of an offence against the police of Portsmouth, in this, to wit,—that he the said                    [here set forth the offence with sufficient certainty of time and place] and therefore the said A. B prayeth that justice may be done in the premises.

Signed, A. B.

Sworn to before me, E. F.